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16 17			
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19	IN THE OWITED STATES DISTRICT COOKT		
	FOR THE DISTRICT OF ARIZONA		
2021	Ivonne Carbajal, individually and on behalf	No.: CV-24-00730-PHX-DGC	
	of all others similarly situated,		
22	Plaintiff,		
23	v.	PLAINTIFF'S MOTION FOR	
24	The Home Depot, Inc., a Delaware	EXTENSION OF TIME TO FILE RESPONSE TO DEFENDANT HOME	
25	Corporation and Validity, Inc., a	DEPOT U.S.A., INC.'S MOTION TO DISMISS	
26	Delaware Corporation.		
27	Defendants.		
28			

Plaintiff, Ivonne Carbajal, individually and on behalf of all others similarly situated, by her attorneys, respectfully moves for the entry of an order granting her an extension of time to September 11, 2024, to file her Response to Defendant Home Depot U.S.A., Inc.'s ("Defendant" or "Home Depot") Motion to Dismiss.¹ In support of this Motion, Plaintiff states as follows:

- 1. This action involves claims under Arizona's Telephone, Utility and Communication Service Records Act (A.R.S. § 44-1376 *et seq.*) brought by the Named Plaintiff on behalf of herself and other similarly situated Arizona residents resulting from Defendant's practice of embedding spy tracking pixels in marketing emails Defendant sent to Plaintiff and other Arizona residents who subscribed to Home Depot's email list. Plaintiff alleges that Defendant used the spy tracking pixels to collect, obtain and use certain information regarding the Plaintiff and the putative class members without their consent.
- 2. On July 29, 2024, Defendant Home Depot U.S.A., Inc. filed its Motion to Dismiss Plaintiff's First Amended Class Action Complaint pursuant to Fed. R. Civ. P. 12(b)(6). (ECF No. 20).
- 3. Accordingly, Plaintiff's response to Defendant's motion is due on August 12, 2024.
- 4. Plaintiff has been working diligently to prepare her response to Defendant's motion to dismiss, but requires additional time to do so due to, inter alia, previously set travel and work schedules in other work-related matters.
- 5. Accordingly, Plaintiff respectfully seeks a thirty (30) day extension of time to September 11, 2024, to file her response to Defendant's motion.

¹ On July 29, 2024, Plaintiff filed a Notice of Voluntary Dismissal relating to Defendant Validity, Inc. (ECF No. 18).

1	6. This motion is not being brought for the purpose of delay, and Plaintiff does	
2	not believe Defendant will be prejudiced if the Court grants her motion.	
3	7. Plaintiff's counsel has conferred with Defendant's counsel regarding this	
4	motion, and Defendant does not oppose Plaintiff's request.	
5	**************************************	
6	WHEREFORE, Plaintiff respectfully requests that this Court grant her request for	
7	an extension of time to September 11, 2024, to file her response to Defendant's motion to	
8	dismiss, and grant such further relief as this Court deems equitable and just.	
9	DATED this 12th day of August 2024	
10	LAW OFFICE OF JAMES X. BORMES, P.C.	
11		
12	s/ James X. Bormes	
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22	LOCAL COUNCEL.	
23	LOCAL COUNSEL: Michelle R. Matheson #019568 MATTATATATA	
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27	Attorney for Plaintiffs	
28		

CERTIFICATE OF SERVICE

The undersigned, an attorney, hereby certifies that on August 12, 2024, he caused the foregoing Motion for Extension of Time to be filed via the CM/ECF system, which will send service of such filing upon all counsel of record.

/s/ James X. Bormes Attorney for Plaintiff